

REMARKS

I. Introduction

In response to the pending Office Action, Applicants have amended claim 1 so as to further clarify the intended subject matter of the present disclosure. Support for the amendment to claim 1 can be found, for example, in paragraphs [0069]-[0071] and Fig. 15 of the specification. No new matter has been added.

Claim 21 has been amended into independent format. As claim 21 was indicated to be allowable if amended in the foregoing manner, it is respectfully submitted that claim 21 is now in condition for allowance.

For at least the reasons set forth below, it is respectfully submitted that claim 1, as amended, is patentable over the cited prior art references.

II. The Rejection Of The Claims Under 35 U.S.C. § 102

Claims 1-4, 8-10, and 13-20 were rejected under 35 U.S.C. § 102 as being anticipated by USP Pub. No. 2003/0152372 to Shimizu. For at least the reasons set forth below, it is respectfully submitted that claim 1, as amended, is patentable over the foregoing prior art reference.

Claim 1, as amended, relates to a high speed dubbing apparatus and recites in pertinent part that “the read section, the navigation pack generator, and the write section operate in parallel.” For example, as illustrated in Fig. 15, the navigation pack (NV_PCK) generation process P2 can be performed in parallel with a process performed by the read section (i.e.,

readout and stream analysis P1) as well as in parallel with a process performed by the write section (i.e., stream rewriting and stream reading P3). As the navigation pack generation process is typically one of the processes that require the longest processing time in high-speed dubbing, the configuration of the high speed dubbing apparatus of claim 1 advantageously allows for an increase in the overall speed of the high speed dubbing process.

Turning to the pending rejection and the cited prior art reference, it is asserted that the control unit (311) of Shimizu which receives encoded AV data and then subjects it to format converting unit (400) reads on the recited “read section”, that the formatting converting unit (400) which replaces each RDI pack with a navi pack (41) reads on the recited “navigation pack generator”, and that the second buffer (411) which is utilized to generate a navi-pack (41) via the instruction of control unit (311) and then outputs the result to the DVD_R/RW drive (305) reads on the recited “write section”.

Importantly, however, nowhere does Shimizu appear to disclose that the formatting converting unit can replace each RDI pack with a navi pack simultaneously with analyzing the pack in each converting process and deleting process (which is cited in the Office Action as reading on the recited read section and write section operating in parallel). Indeed, paragraph [419] of Shimizu does not do so. Thus, at a minimum, Shimizu fails to disclose or suggest a device in which the read section, the navigation pack generator, and the write section operate in parallel as is recited by amended claim 1.

Accordingly, as anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that “inherency may not be

established by probabilities or possibilities", *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is clear that Shimizu does not anticipate claim 1.

III. Dependent Claims

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for at least the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable.

IV. Conclusion

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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